

HOUSE BILL 2568

By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to forfeiture of public benefits by members
of the general assembly upon conviction of a
felony.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-27-203, is amended by designating the current language as subsection (a) and by adding the following language as a new subsection (b):

(b) No member, or former member, of the general assembly may elect to retain state employees' health group insurance pursuant to this section, nor shall such member's surviving spouse or dependent children be eligible to make such an election, if that member is convicted in any court of this state, or in any federal court, of a felony arising out of that person's official capacity, constituting malfeasance in office. Upon initial conviction, or upon a plea of guilty or nolo contendere, any person subject to the provisions of this subsection (b) who is already making an election to receive state employees' health group insurance shall have that benefit stopped on the date of conviction or plea without being entitled to any refund of premiums, copayments or other costs previously paid to retain the insurance.

In the event the conviction of any person subject to the provisions of this subsection (b) is later overturned in any court and such person is acquitted, or is granted a full pardon, the person shall be restored to all rights, privileges and benefits as if the conviction had never occurred.

SECTION 2. If the provisions of Section 1 of this act are declared to be invalid by a court of competent jurisdiction and such determination has become final, then the former provisions of §8-27-203, as such section existed immediately prior to the effective date of this

act, shall be revived and be in full force and effect as if such provisions had remained in full force and effect at all times.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect November 4, 2008, the public welfare requiring it.